

## Chapter 3

### ADVERTISING\*

Art.	I.	In General, §§ 3-1—3-20
Art.	II.	Distribution of Handbills, §§ 3-21—3-28

#### ARTICLE I. IN GENERAL

##### **Sec. 3-1. Violations.**

Any person found guilty of violating the provisions of sections 3-2 through 3-7 shall be deemed guilty of a class 3 misdemeanor.

##### **Sec. 3-2. Posting generally.**

No person shall post any bills, signs, posters or advertisements on any buildings, fences, poles or other property belonging to another or belonging to the city without the consent of the owner thereof. Such consent shall be secured in writing, and such written consent shall be exhibited by the person having the same to any police officer on demand. (Code 1959, §§ 22-3, 22-4)

##### **Sec. 3-3. Civic, etc., signs in public rights-of-way.**

Signs, banners, billboards and similar structures and objects directly relating to charitable, historical, religious or other civic services and nonprofit activities may be installed in the public rights-of-way upon a permit issued by the city manager.

##### **Sec. 3-4. Sound vehicles restricted.**

It shall be unlawful for any person to advertise any goods, wares or merchandise of any kind by the use of any amplifying equipment used by or mounted on any vehicle without first having obtained a permit therefor from the city manager.

##### **Sec. 3-5. Signs, banners across streets.**

(a) No person shall erect or place any sign or banner of wood, cloth, metal or other material across any street or sidewalk in the city without obtaining a permit from the city's department of public works. The permit shall contain such conditions as the department of public works deems necessary to protect the public health, safety and welfare and shall specify the period of time that the sign/banner may be erected. The sign/banner shall be only for civic or public events to serve the community. The sign/banner shall not be closer than fifteen (15) feet to the street or sidewalk level. The applicant must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage in such amount as shall be determined by the city's risk management coordinator and the certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds. The applicant shall submit a letter from the persons or firm, which includes the address and phone number, that will be erecting and removing the sign/banner.

(b) If the sign/banner is damaged or in need of repair and poses a threat to the safety of the general public the applicant will be notified and have two (2) business days to remove same. If the applicant fails to remove the sign/banner after the two (2) days notice the city will have the sign/banner removed at the expense of the applicant. When, in the opinion of the department of public works, the presence of the sign

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\*Cross references—Dropping of advertisements by aircraft, § 9-10; licenses for advertising enterprises, §§ 36-42—36-45.

or banner results in a condition that creates an immediate and serious threat to the safety of the public, the department of public works may have the sign or banner removed without prior notice. The owner of the sign or banner shall be responsible for paying the costs of removal.

(c) If the applicant fails to remove the sign/banner after the event or upon expiration of the specified time period, whichever shall come first, the city shall have the sign/banner removed at the expense of the applicant.

(d) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. O-95-087, 4-11-95; Ord. No. O-97-083, 5-13-97)

### **Sec. 3-6. Destroying lawful posters.**

It shall be unlawful for any person to wrongfully and maliciously tear down, deface or cover up any posted advertisement or bill of any person when the same is lawfully posted and put up and during the time such sign or advertisement shall be of value.

### **Sec. 3-7. Marking on streets, side walks prohibited.**

It shall be unlawful for any person to advertise, or attempt to advertise, by marking or painting on any of the streets or sidewalks within the city.

### **Sec. 3-8. Replacement of bill boards.**

Whenever any billboard, as defined in section 36-42, shall become unsightly, rotten or dangerous, it shall be replaced by a modern, up-to-date sheet iron board under the direction and supervision of the building inspector. (Tax Code 1941, § 22(f))

### **Secs. 3-9—3-20. Reserved.**

## **ARTICLE II. DISTRIBUTION OF HANDBILLS\***

### **Sec. 3-21. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

**Handbill.** Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

**Newspaper.** Any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statutes or regulations, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public, and shall mean and include any other copyrighted material.

**Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

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\***Cross reference**—Littering, § 21-3 et seq.

**Sec. 3-22. Ex em p tion for mail and news pa pers.**

The provisions of this article shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Sec. 3-23. Violations.

Any person found guilty of violating the provisions of this article shall be deemed guilty of a class 3 misdemeanor.

**Sec. 3-24. Inhabited private premises.**

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such premises if such handbill is so placed or deposited as to secure or prevent the same from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation. (Code 1959, § 30-25)

**Sec. 3- 25. Pro hib ited where prop erly posted.**

No person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises a sign bearing the words: "No Trespassing," "No Peddlers or Agents," or any similar notice, indicating in any manner that the occupants of such premises do not wish to have their right of privacy disturbed, or to have any handbills left upon such premises.

**Sec. 3-26. Depositing on uninhabited, vacant premises.**

It shall be unlawful for any person to throw or deposit any handbill in or upon any private premises which is uninhabited or vacant. (Code 1959, § 30-25)

**Sec. 3- 27. Plac ing on ve hi cles.**

It shall be unlawful for any person to throw or deposit any handbill in or upon any vehicle. (Code 1959, § 30-25)

**Sec. 3- 28. Re stricted in pub li c places.**

It shall be unlawful for any person to hand out or distribute or sell any handbill in any public place; except that a handbill may be personally delivered to any person willing to accept the same.

